

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN W. ALLEN,

Plaintiff,

VS.

JOHN E. POTTER, POSTMASTER
GENERAL,

Defendant.

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Civil Action No. 3:08-CV-1476-D

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct and are therefore adopted. Accordingly, defendant's November 24, 2008 motion to dismiss for lack of subject-matter jurisdiction is granted, and this action dismissed with prejudice for lack of subject matter jurisdiction by judgment filed today.*

SO ORDERED.

February 12, 2009.


SIDNEY A. FITZWATER
CHIEF JUDGE

*Ordinarily, a case dismissed for lack of subject matter jurisdiction should be dismissed without prejudice so that a plaintiff may reassert his claims in a competent court. Where the plaintiff will be barred from seeking relief in another court, however, dismissal should be with prejudice. *See, e.g., Henry v. United States*, 2006 WL 3780878, at *5 n.2 (N. D. Tex. Dec. 26, 2006) (Fitzwater, J.) (addressing dismissal based on sovereign immunity).